

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JANE DOE, a minor, JOHN DOE,
and JILL DOE,

Plaintiffs,

v.

AGAWAM PUBLIC SCHOOLS,

Defendant.

Civil Action No. 12-30002

COMPLAINT

Jane Doe (“Jane” or “Student”), and her parents John and Jill Doe (“Parents”), are the prevailing parties in an administrative decision issued by the Bureau of Special Education Appeals (“BSEA”). Student and Parents now bring this action seeking reasonable attorneys’ fees and costs pursuant to the Individuals with Disabilities Education act (IDEA), 20 U.S.C. § 1400 *et. seq.*

PARTIES

1. Jane is a fifteen year-old student with significant special needs who is currently attending Talisman Academy, a year-round therapeutic boarding school in North Carolina, on a residential basis. Parents reside in Feeding Hills, Massachusetts.
2. Defendant Agawam Public Schools (“Agawam”) is established under the laws of the Commonwealth of Massachusetts and is a public corporation with the capacity to be sued. Agawam receives federal funds from the United States Department of Education, and is required to provide all students who are eligible for special education with a free appropriate public education.

JURISDICTION

3. This Court has jurisdiction to award Student and Parents their reasonable attorneys' fees and costs pursuant to the IDEA, 20 U.S.C. § 1415(i)(3)(A).

STATEMENT OF FACTS

4. Student attended the Bromley Brook School, a year-round therapeutic boarding school, in Vermont for the 2010-2011 school year pursuant to an agreement between Parents and Agawam.

5. In March 2011, the Bromley Brook School announced that it was closing effective July 1, 2011.

6. Agawam did not offer Student an educational program to provide her with services after July 1, 2011.

7. Parents unilaterally placed Student at Talisman Academy in July 2011 and requested that Agawam fund this placement pursuant to the "stay put" provision of the IDEA, 20 U.S.C. § 1415(j).

8. Agawam declined to recognize Student's right to a stay put placement at Talisman Academy under the IDEA.

9. On September 1, 2011, Parents filed an action at the BSEA seeking an order that recognized Talisman Academy as Student's stay put placement and required Agawam to reimburse Parents for all costs they had incurred since July 2011 related to Student's placement at Talisman Academy.

10. On October 6, 2011, the BSEA issued an order providing Parents with all of the relief they had sought. Specifically, the BSEA: (1) found that Agawam had failed to provide Student with a free appropriate public education since July 2011; (2) recognized Talisman Academy as Student's stay put placement under the IDEA; and (3) required Agawam to reimburse Parents for all costs associated with Student's placement at Talisman Academy since July 2011.

CAUSE OF ACTION

11. Plaintiffs re-allege paragraphs 1-10 above and incorporate the same as if fully set forth herein.

12. Plaintiffs are the prevailing party within the meaning of the IDEA, 20 U.S.C. § 1415 (i)(3)(B), and as such are entitled to an award of reasonable attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

- a) that this Court assume jurisdiction of this matter;
- b) that this Court find that Student and Parents are the prevailing party in their action at the BSEA and are entitled to reimbursement of their reasonable attorneys' fees and costs;
- c) that this Court award plaintiffs their reasonable attorneys' fees and costs pursuant to the IDEA; and
- d) that this Court award such other relief as is deems just.

Respectfully submitted,

Jane, John and Jill Doe, Plaintiffs
By their attorneys,

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